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WESTERN DISTRICT OF LOUISIANA
LAFAYETTE, LOUISIANA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

LAFAYETTE-OPELOUSAS DIVISION

ALBERTHA GARRETT

CIVIL ACTION NO. 07-1975

VS.

JUDGE MELANÇON

STATE FARM FIRE &
CASUALTY

MAGISTRATE JUDGE METHVIN

JURISDICTIONAL REVIEW RULING

This diversity case was removed from a local state court pursuant to 28 U.S.C. § 1332. As required by a standing order of this court, the undersigned has reviewed the record and concludes that the jurisdictional amount has been established in this diversity case.

Plaintiff alleges that: State Farm issued her a policy to insure her property located in Calcasieu Parish, Louisiana; the home is likely a total loss as a result of Hurricane Rita; State Farm under-adjusted the damage to her personal property, other structures, and additional living expenses; and the amount in controversy exceeds the statutory minimum required for trial by jury which, under Louisiana law, requires an amount in controversy of at least \$50,000.¹

In addition to contractual benefits, plaintiff alleges violations of La. R.S. 22:658 and/or La. R.S. 22:1220, and she seeks additional damages as authorized by La. R. S. 22:658 and La. R. S. 22:1220 as well as reasonable penalties and attorney's fees. Plaintiff also seeks damages for additional living expenses, additional damages and deterioration to her property, grief, mental anguish, worry, and associated damages.

¹ La. Code of Civil Procedure, art. 1732.

Defendant submits a copy of a verification that the amount in controversy is less than \$75,000 that was forwarded to plaintiff but was not returned to further support its argument that the amount in controversy exceeds the requisite amount.

Considering the foregoing, the undersigned concludes that the jurisdictional amount has been established in this case.

Signed at Lafayette, Louisiana on November 14, 2008.

A handwritten signature in black ink, appearing to read 'ME', is written over a horizontal line.

Mildred E. Methvin
United States Magistrate Judge
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Lafayette, Louisiana 70501
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